

## **REMARKS**

Claims 1-48 are pending in the present application. By this Preliminary Amendment, claims 1, 11 and 21 are amended and claims 31-48 are added. Claims 1, 11 and 21 are amended, in accordance with the results of a telephone interview with the Examiners, to recite that each per-processor spin field is associated with one processor and identifies a memory location dedicated to that one processor. Support for these amendments may be found at least at page 5, lines 21-25, page 10, line 28 to page 11, line 2, page 12, lines 14-20 and page 14, lines 12-32, among others. Claims 31-48 are added to recite additional features of the present invention. No new matter has been added by these amendments or newly added claims. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

### **I. Telephone Interview**

Applicants thank Examiners Knoll and Rinehart for the courtesies extended to Applicants' representative during the May 25, 2004 telephone interview. During the telephone interview, the Examiners stated that if the independent claims were amended to specify the uniqueness of the data in the spin lock fields such that a processor is uniquely associated with a spin field to the exclusion of other processors, that the claims would distinguish over the McKenney reference.

Accordingly, the independent claims are amended by this Preliminary Amendment to recite "wherein the hand-off lock includes a plurality of per-processor spin fields, each per-processor spin field being associated with one processor in the multiprocessor system and identifying a memory location dedicated to that one processor, and wherein only the one processor may spin on the memory location identified by the processor's corresponding dedicated per-processor spin field at any one time." Thus, it is Applicants' understanding that the independent claims, and thus, all of their dependent claims, now distinguish over the McKenney reference applied in the previous Office Action. Applicants therefore, request withdrawal of the rejections of the claims based on the McKenney reference.

## **II. Rejection under 35 U.S.C. § 112, Second Paragraph**

The Final Office Action rejects claim 18 under 35 U.S.C. § 112, second paragraph stating that the terms "per-node" and "each node" are unclear "because any intended relationships cannot be clearly established." It is not clear what the Examiner means by stating that "any intended relationships cannot be clearly established." Claim 18 specifically recites " wherein the hand-off lock includes a per-node word which contains a state of the hand-off lock on each node of a multiprocessor system." From this language it is clear that the "relationships" are that the hand-off lock includes a "per-node word" and that the "per-node word" contains a state of the handoff lock on each node of a multiprocessor system. In other words, the per-node word contains the per-node status for every node in the multiprocessor system. As is known to those of ordinary skill in the art and described in the present specification, a "node" is a grouping of one or more processors in a multiprocessor system. Thus, each "node" in the multiprocessor system has its status with regard to the hand-off lock reflected in the "per-node word."

In view of the above, Applicants respectfully submit that the relationships between the elements of claim 18 are clear from the text. There is nothing unclear about the features in claim 18. Thus, Applicants respectfully request withdrawal of the rejection of claim 18 under 35 U.S.C. § 112, second paragraph.

## **III. Rejection of Claims 1-30 under 35 U.S.C. § 102(e)**

The Final Office Action maintains the rejection of claims 1-30 under 35 U.S.C. § 102(e) based on McKenney (U.S. Patent No. 6,480,918). This rejection is traversed by way of the above amendments to the claims which the Examiners have indicated overcome the McKenney reference. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-30 under 35 U.S.C. § 102(e).

**IV. Newly Added Claims 31-48**

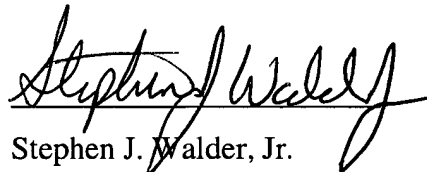
Claims 31-48 are added by this Preliminary Amendment to recite additional features of the present invention. Each of these claims is dependent from respective ones of independent claims 1, 11 and 21 and therefore, distinguish over the McKenney reference at least by virtue of their dependency. Support for the features found in these claims may be found in the present specification, for example, at pages 10-15. Prompt and favorable consideration of claims 31-48 is respectfully requested.

**V. Conclusion**

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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